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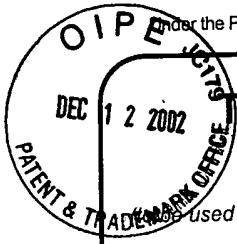
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<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/810,796	
	Filing Date	March 15, 2001	
	First Named Inventor	Jegla, Timothy J.	
	Group Art Unit	1647	
	Examiner Name	B. Bunner	
Total Number of Pages in This Submission	5	Attorney Docket Number	018512-005010US

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ENCLOSURES (check all that apply)		
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Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm and Individual name	Townsend and Townsend and Crew LLP Carol A. Fang Reg. No. 48,631	
Signature		
Date	December 5, 2002	

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Typed or printed name	Dana Kane	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JEGLA, Timothy James

Application No.: 09/810,796

Filed: March 15, 2001

For: KCNQ5, A NOVEL POTASSIUM CHANNEL

Examiner: B. Bunner

Art Unit: 1647

RESPONSE TO OFFICE COMMUNICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Examiner's Office Communication mailed November 5, 2002, Applicants elect nucleic acid sequence SEQ ID NO:3 for purposes of searching, as well as amino acid sequence SEQ ID NO:5 (previously elected).

In response to the restriction requirement mailed April 30, 2002, Applicants elected Group I, claims 1-11 and 22-23, directed to nucleic acids, vectors and host cells. Pending claims 41-48 correspond to the claims of Group I (see Appendix A).

Applicants note that claim 41 is a genus claim linking the dependent species claims 42-48. As such, upon allowance of a linking genus claim, the restriction requirement should be withdrawn with respect to the species claims. MPEP 809.03.

Applicants further note that when the requirement for restriction is predicated upon the non-allowability of a generic linking claim, Applicant is entitled to retain in the case

claims to the non-elected invention. If the generic linking claim is allowed, the Examiner must then examine non-elected claims to species falling within the genus. MPEP 809.04.

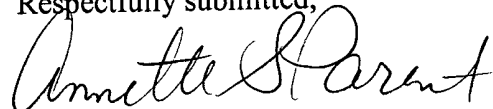
The foregoing election is made with traverse, as the nine groups set forth by the Examiner all stem from a common concept and theory, and are thus related. As such, prosecution of the claims of Groups I-IX would not place a substantially greater burden on the Examiner. Applicants therefore respectfully request that the Examiner withdraw the Restriction Requirement and consider all the claims together.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Annette S. Parent  
Reg. No. 42,058

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